**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES**
**61st LEGISLATURE - REGULAR SESSION**

**HOUSE JUDICIARY COMMITTEE**

**Date:** Friday, January 30, 2009 **Time:** 8:00 am
**Place:** Capitol **Room:** 137

**BILLS and RESOLUTIONS HEARD:**
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 40, SB 91

**EXECUTIVE ACTION TAKEN:**
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 228 (Do pass as three amended)
HB 176 (Tabled)

**COMMENTS:**

Ron Stoker

REP. Ron Stoker, Chairman

**HOUSE OF REPRESENTATIVES**
**Roll Call**
**JUDICIARY COMMITTEE**

DATE: 1/30/09

| NAME | PRESENT | ABSENT/ EXCUSED |
|---|---|---|
| Rep. Peterson | X | |
| Rep. Kottel | X | |
| Rep. Kerns | X | |
| Rep. Sands | X | |
| Rep. Bennett | X | |
| Rep. MacDonald | X | |
| Rep. More | X | |
| Rep. Ebinger | X | |
| Rep. Wagner | X | |
| Rep. Becker | X | |
| Rep. Driscoll | X | |
| Rep. Regier | X | |
| Rep. McClafferty | X | |
| Rep. Howard | X | |
| Rep. Blewett | X | |
| Rep. Warburton | X | |
| Rep. Menahan | X | |
| Rep. Stoker | X | |

# HOUSE STANDING COMMITTEE REPORT



Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 228** (first reading copy – white) **do pass as amended.**

Signed: _____
*Representative Ron Stoker, Chair*

**And, that such amendments read:**

1. Page 1, line 21.
**Strike:** "5"
**Insert:** "4"

2. Page 1, line 29.
**Following:** "firearm"
**Insert:** "to a person other than an identified peace officer"

3. Page 2, lines 17 through page 3, line 24.
**Strike:** sections 5 and 6 in their entirety
**Renumber:** subsequent sections

4. Page 4, lines 7 through 15.
**Strike:** section 9 in its entirety
**Renumber:** subsequent sections

5. Page 5, line 17.
**Strike:** "5"
**Insert:** "4"

6. Page 5, line 19.

**Committee Vote:**
**Yes 10, No 8**
Fiscal Note Required __

HB0228001SC.hjd

**Strike:** "5"
**Insert:** "4"

7. Page 5, lines 20 and 21.
**Strike:** subsection (2) in its entirety
**Renumber:** subsequent subsections

8. Page 5, line 22.
**Strike:** "7"
**Insert:** "5"

9. Page 5, line 23.
**Strike:** "7"
**Insert:** "5"

10. Page 5, line 24.
**Strike:** "8"
**Insert:** "6"

11. Page 5, line 25.
**Strike:** "8"
**Insert:** "6"

12. Page 5, lines 26 and 27.
**Strike:** subsection (5) in its entirety

- END -

# HOUSE OF REPRESENTATIVES
## Roll Call Vote
## JUDICIARY COMMITTEE

DATE 1/30/09 BILL NO HB 228 MOTION NO._____
MOTION: Do PASS Amendment HB022802.adn (Rep. Kerns)

| NAME | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---|---|---|---|
| Ken Peterson | X | | |
| Deborah Kottel | X | | |
| Krayton Kerns | X | | |
| Diane Sands | X | | |
| Gerald Bennett | X | | |
| Margaret MacDonald | X | | |
| Michael More | X | | |
| Bob Ebinger | X | | |
| Bob Wagner | X | | |
| Arlene Becker | X | | |
| Robyn Driscoll | X | | |
| Keith Regier | X | | |
| Edith McClafferty | X | | |
| David Howard | X | | |
| Anders Blewett | X | | |
| Wendy Warburton | X | | |
| Mike Menahan | X | | |
| Ron Stoker | X | | |

# HOUSE OF REPRESENTATIVES
## Roll Call Vote
## JUDICIARY COMMITTEE

DATE 1/30/09 BILL NO HB 228 MOTION NO.

MOTION: Conceptual amendment on HB 228 (HB 022803.adn) (Rep. Kottel)

| NAME | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---|---|---|---|
| Ken Peterson | X | | |
| Deborah Kottel | X | | |
| Krayton Kerns | X | | |
| Diane Sands | | X | |
| Gerald Bennett | X | | |
| Margaret MacDonald | | X | |
| Michael More | X | | |
| Bob Ebinger | | X | |
| Bob Wagner | X | | |
| Arlene Becker | | X | |
| Robyn Driscoll | | X | |
| Keith Regier | X | | |
| Edith McClafferty | X | | |
| David Howard | X | | |
| Anders Blewett | | X | |
| Wendy Warburton | X | | |
| Mike Menahan | | X | |
| Ron Stoker | X | | |
| | 11 | 7 | |

# HOUSE OF REPRESENTATIVES
## Roll Call Vote
## JUDICIARY COMMITTEE

DATE 1/30/09 BILL NO HB 228 MOTION NO.

MOTION: Do PASS Conceptual amendment to strike lines 18 & 19 on page 1 of HB 228. (Rep. Blewett)

| NAME | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---|---|---|---|
| Ken Peterson | | X | |
| Deborah Kottel | | X | |
| Krayton Kerns | | X | |
| Diane Sands | X | | X |
| Gerald Bennett | | X | |
| Margaret MacDonald | X | | |
| Michael More | | X | |
| Bob Ebinger | X | | |
| Bob Wagner | | X | |
| Arlene Becker | X | | |
| Robyn Driscoll | X | | |
| Keith Regier | | X | |
| Edith McClafferty | X | | |
| David Howard | | X | |
| Anders Blewett | X | | |
| Wendy Warburton | | X | |
| Mike Menahan | X | | |
| Ron Stoker | | X | |
| | 8 | 10 | |

# HOUSE OF REPRESENTATIVES
## Roll Call Vote
## JUDICIARY COMMITTEE

DATE 1/30/09 BILL NO HB228 MOTION NO. _____
MOTION: DO PASS HB 228 as three times amended.

| NAME | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---|---|---|---|
| Ken Peterson | X | | |
| Deborah Kottel | X | | |
| Krayton Kerns | X | | |
| Diane Sands | | X | X |
| Gerald Bennett | X | | |
| Margaret MacDonald | | X | |
| Michael More | X | | |
| Bob Ebinger | | X | |
| Bob Wagner | X | | |
| Arlene Becker | | X | |
| Robyn Driscoll | | X | |
| Keith Regier | X | | |
| Edith McClafferty | | X | |
| David Howard | X | | |
| Anders Blewett | | X | |
| Wendy Warburton | X | | |
| Mike Menahan | | X | |
| Ron Stoker | X | | |
| | 10 | 8 | |

# AUTHORIZED
# COMMITTEE PROXY

I request to be excused from the Judiciary Committee

Committee because of other commitments. I desire to leave my proxy vote with:

Deb Kaiser

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT | AYE | NO |
|---|---|---|
| HB 228 | | |
| 3rd Amendment | X | |
| on Bill → | | X |
| HB 176 Table | | X |
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| BILL/AMENDMENT | AYE | NO |
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Rep. [signature] (Signature)

Date 1-30-09

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# AUTHORIZED
# COMMITTEE PROXY

I request to be excused from the Energy Conservation

Committee because of other commitments. I desire to leave my proxy vote with:

Deb Kaul

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT | AYE | NO |
|---|---|---|
| HB176 | | |
| Tabled | X | |
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| BILL/AMENDMENT | AYE | NO |
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Rep. Margaret E. MacDonald (Signature)

Date 1-7-09

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**Montana House of Representatives**
**Visitors Register**

**JUDICIARY COMMITTEE** **Date** 1/30/09

**Bill No.** SB 40 **Sponsor(s)** Rep. Juneau

**PLEASE PRINT** **PLEASE PRINT** **PLEASE PRINT**

| Name and Address | Representing | Support | Oppose | Inf. |
|---|---|---|---|---|
| Russell Cater | DPHHS | | | X |
| LINDA STOLL | Missoula County | | | |
| Robert Allen | Montana Nurses Assoc. | | | |
| Mike Menahan | HD 82 | | | |
| Seth Brennerman | Disability Rights MT | ✓ | | |
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**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**